

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

ALEJANDRO MARTINEZ,

CV. 09-125-KI

Petitioner,

ORDER

v.

MARK NOOTH,

Respondent.

KING, Judge

Petitioner's motion to voluntarily dismiss (#26) is GRANTED. This proceeding is DISMISSED, with prejudice. Because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability is DENIED. See 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 19<sup>th</sup> day of March, 2010.

/s/ Garr M. King  
Garr M. King  
United States District Judge